



Entered on Docket  
October 17, 2011

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Fifth Omnibus Objection  
Of USACM Trust To Proofs Of Claim  
Based In Part Upon Investment In The  
Lerin Hills Loan, Except for Claims of Roy  
R. and Nancy Ventura; and Notice of  
Status Conference re Roy R. and Nancy  
Ventura Proofs of Claim**

Hearing Date: September 30, 2011  
Hearing Time: 9:30 a.m.

Status Conference: November 15, 2011  
Time: 9:30 a.m.

The Court having considered the “Fifth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Part Upon Investment in The Lerin Hills Loan.” (“Lerin Hills Loan”) [DE 8872] (the “Objection”); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; Roy R. and Nancy Ventura having filed their responses opposing the Objection [DE 8930 9221]; no other

1 responses to the Objection having been filed; the Court noting on the record that the  
2 disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to  
3 repayment by the borrower or from the collateral securing the Lerin Hills Loan; and good  
4 cause appearing:

5 **IT IS ORDERED** that:

6 1. The Objection [DE 8872] is sustained, except as it applies to Proof of Claim  
7 Nos. 10725-00638 and 10725-00639 filed by Roy R. and Nancy Ventura (the "Ventura  
8 Claims");

9 2. The remaining claims listed on **Exhibit A** attached are 85% disallowed and  
10 15% allowed to the extent those claims are based upon an investment in the Lerin Hills  
11 Loan;

12 3. A status conference regarding the Objection is set before this Court on  
13 **November 15, 2011 at 9:30 a.m.** at the U.S. Bankruptcy Court, 300 Las Vegas Boulevard  
14 South; Courtroom # 1, Las Vegas, NV 89101;

15 4. If the Venturas fail to appear at the status conference, the Court may deem  
16 their response to have been withdrawn and sustain the Objection without further  
17 proceedings, meaning that the Ventura claims would be disallowed;

18 5. The Venturas may appear telephonically at the status conference on  
19 November 15, 2011 by sending a written request to the Honorable Linda B. Riegle, U.S.  
20 Bankruptcy Court; 300 Las Vegas Boulevard South; Las Vegas, NV 89101. The Venturas  
21 can also send a facsimile request to 702-527-7015. The written request must be received  
22 by the Court on or before November 8, 2011 or it will be denied without good cause shown  
23 for failing to timely request permission to appear telephonically; and

24 6. Once the Court grants permission to appear telephonically, the Venturas  
25 should contact CourtCall at least 48 hours prior to the hearing by telephone at 1-888-882-  
26 6878, or by facsimile at 888-883-2946, to make arrangements for the telephonic  
appearance. CourtCall will require the Court location, Judge's name, case name, case  
number, and date and time of the hearing. CourtCall charges are to be paid by claimant.

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3 PREPARED AND RESPECTFULLY SUBMITTED BY:

4 **LEWIS AND ROCA LLP**

5  
6 By /s/ John Hinderaker (AZ #018024)

7 Robert M. Charles, Jr.

8 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

\_\_\_\_\_ No party appeared at the hearing or filed an objection to the motion.

XXX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Roy R. and Nancy Ventura</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

S/ -Roy R. Ventura, Jr., P.E.  
 Roy R. Ventura, Jr.,  
 U.S. Embassy - Jakarta  
 Jakarta, Indonesia

Nancy B. Ventura  
 Nancy Ventura

Submitted by:  
 LEWIS AND ROCA LLP  
 By: /s/ John Hinderaker. (AZ #018024)  
 Attorneys for USACM Liquidating Trust

*It is intended that this provides for representation by an attorney*  
*14 Oct. 2011*

# # #

## USACM Trust

## Lerin Hills LTD Loan

## Multiple Loan Claims

Claim	Name	Address	Total Claim Amount	Approximate Related to an Investment In the Lerin Hills LTD Loan	Amount Disallowed (85%)	Amount Allowed (15%)
10725-00245	Robert H & Lynn R Perlman Trust Dated 9/17/92	C/O Robert H & Lynn R Perlman Tees 2877 Paradise Rd Unit 3501 Las Vegas, NV 89109-5278	1,187,000.00	50,000.00	42,500.00	7,500.00
10725-02088	Robert W Ulm Living Trust Dtd 4/11/05	Robert W Ulm Tee 414 Morning Glory Rd St Marys, GA 31558	1,376,330.00	25,000.00	21,250.00	3,750.00
10725-02071	Rodriguez, Robert R	5748 Newberry Point Dr. Flowery Branch, GA 30542	329,977.39	50,000.00	42,500.00	7,500.00
10725-00144	Roloff, Rodney & Sharyn	Law Offices Of James G Schwartz 7901 Stoneridge Drive Suite 401 Pleasanton, CA 94583	171,250.00	50,000.00	42,500.00	7,500.00
10725-01410	Ronning, Grable B	PO Box 7804 Incline Village, NV 89452-7804	112,159.00	12,500.00	10,625.00	1,875.00
10725-02149	Schnitzer Living Trust Dtd 10/24/91	Arthur F & Linn S Schnitzer Tees 20155 Ne 38Th Ct, #1604 Aventura, FL 33180	3,549,806.80	100,000.00	85,000.00	15,000.00
10725-02135	Schoonover Family Trust Dated 2/23/04	Edward L & Susan A Schoonover Co-Tees 2841 S. Alderwood Circle Mesa, AZ 85212-2930	269,449.00	25,000.00	21,250.00	3,750.00
10725-02175	Simmons Hwjtwros, Alan R & Judith B	Po Box 13296 South Lake Tahoe, CA 96151-3296	1,186,288.22	25,000.00	21,250.00	3,750.00
10725-00639	Ventura, Rey	American Embassy Jakarta Unit 8135 USAHB FPO AP 96520	155,828.26	35,000.00	29,750.00	5,250.00
10725-00638	Ventura, Rey R & Nancy B	American Embassy Jakarta Unit 8135 USAHB FPO AP 96520	155,828.26	35,000.00	29,750.00	5,250.00
10725-02163	Vogliis, Marietta	3333 Allen Pky. Unit 1102 Houston, TX 77019	724,292.85	25,000.00	21,250.00	3,750.00

EXHIBIT A

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